

ESTTA Tracking number: **ESTTA744337**

Filing date: **05/04/2016**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

## Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

### Opposer Information

Name	Textron Inc.
Granted to Date of previous extension	05/04/2016
Address	40 Westminster Street Providence, RI 02903 UNITED STATES
Attorney information	Joseph M. Lafata Harness, Dickey & Pierce, P.L.C. 5445 Corporate Drive, Suite 200 Troy, MI 48098 UNITED STATES jmlafata@hdp.com, gaurini@hdp.com, docketingTM@hdp.com, tjcomparison@hdp.com Phone:(248) 641-1600

### Applicant Information

Application No	86492340	Publication date	01/05/2016
Opposition Filing Date	05/04/2016	Opposition Period Ends	05/04/2016
Applicant	Hendrick Motorsports Performance Group, LLC 4400 Papa Joe Hendrick Boulevard Charlotte, NC 28262 UNITED STATES		

### Goods/Services Affected by Opposition


Class 012. First Use: 0 First Use In Commerce: 0  
All goods and services in the class are opposed, namely: Limited-edition four-wheel drive sport utility vehicles for on-road and off-road use

### Grounds for Opposition

Priority and likelihood of confusion	Trademark Act Section 2(d)
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### Mark Cited by Opposer as Basis for Opposition

U.S. Application No.	86300500	Application Date	06/04/2014
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	COMMANDO		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 012. First use: First Use: 2012/10/22 First Use In Commerce: 2012/10/22 Armored vehicles

Attachments	86300500#TMSN.png( bytes ) 86492340 - Notice of Opposition - COMMANDO TACTICAL EDI- TION.PDF(109632 bytes )
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### **Certificate of Service**

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/gda/
Name	Geoffrey D. Aurini
Date	05/04/2016

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
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Textron Inc.	)	
	)	
Opposer,	)	Opposition No. _____
	)	Serial No. 86/492,340
v.	)	Mark: COMMANDO TACTICAL
	)	EDITION
Hendrick Motorsports Performance Group, LLC,	)	Published: January 5, 2016
Applicant.	)	
_____	)	

**NOTICE OF OPPOSITION**

Opposer, Textron Inc. (hereinafter, "Opposer") is a corporation duly organized and existing under the laws of the State of Delaware, with a principal place of business at 40 Westminster Street, Providence, Rhode Island 02903, United States of America.

Opposer believes it will be damaged by the registration of U.S. Trademark Application Serial No. 86/492,340 for the mark COMMANDO TACTICAL EDITION covering "limited-edition four-wheel drive sport utility vehicles for on-road and off-road use," in Class 12 and hereby opposes the same.

As grounds in support for this opposition, Opposer alleges the following:

1. Opposer, for many years and since long prior to any date of first use upon which Applicant can rely, has adopted and continuously used the term COMMANDO as a trademark for armored vehicles.

2. Opposer has significant common law interest and rights in and to the term COMMANDO as a trademark for armored vehicles, which has been in use by Opposer in interstate commerce long prior to any date of first use upon which Applicant can rely.

4. In addition, Opposer has filed U.S. Trademark Application Serial No. 86/300,500 on June 4, 2014, for its well-known COMMANDO mark covering “armored vehicles”, in Class 12 which has been used in connection with the goods since at least as early as October 22, 2012.

5. Applicant's COMMANDO TACTICAL EDITION Mark so resembles Opposer's previously used COMMANDO mark as to be likely, when applied to the services set forth in Class 12 in Applicant's application, to cause confusion, mistake or deception within the meaning of Section 2(d) of the Trademark Act.

6. In addition, if Applicant's COMMANDO TACTICAL EDITION application in Class 12 matures to registration, Opposer believes it will be damaged in that any subsequent application(s) by Opposer for federal trademark registration of COMMANDO for “armored vehicles” are likely to be refused by the Trademark Office due to the similarity of the marks (COMMANDO TACTICAL EDITION vs. COMMANDO) and the relatedness of the respective parties' goods and services (“limited-edition four-wheel drive sport utility vehicles for on-road and off-road use” vs. “armored vehicles”).

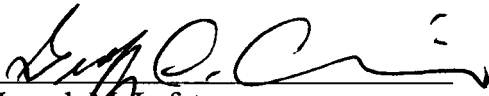
7. Given Opposer's longstanding and prior trademark rights in and to the COMMANDO mark for “armored vehicles”, any federal trademark registration for COMMANDO TACTICAL EDITION, conferring exclusive, nationwide rights, would be improper and would interfere with Opposer's prior rights.

WHEREFORE, Opposer prays that the opposition be sustained and that registration of the  
COMMANDO TACTICAL EDITION mark in Class 12 be refused.

Respectfully Submitted,

TEXTRON INC.

Dated: May 4, 2016

By:   
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Attorneys for Opposer Textron Inc.

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Textron Inc.	)	
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Opposer,	)	Opposition No. _____
	)	Serial No. 86/492,340
v.	)	Mark: COMMANDO TACTICAL
	)	EDITION
Hendrick Motorsports Performance Group, LLC,	)	Published: January 5, 2016
Applicant.	)	
_____	)	

**CERTIFICATE OF SERVICE**

I hereby certify that a true and complete copy of the foregoing **Notice of Opposition** has been served on Applicant **Hendrick Motorsports Performance Group, LLC**, at the correspondent address of record with the United States Patent and Trademark Office and the Trademark Trial and Appeal Board, on May 4, 2016, via First Class Mail, postage prepaid, to:

Karl S. Sawyer, Jr.  
Nelson Mullins Riley & Scarborough LLP  
100 N. Tyron St.  
Charlotte, NC 28202-4000

  
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Timothy J. Comparoni